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UNITED STATES DISTRICT COURT

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DEPUTY

WESTERN DISTRICT OF TEXAS

AUSTIN DIVISION

FILED

APR 05 2018

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature]

DEPUTY

EDWARD D. SMITH

PLAINTIFF'S

A18CV0289 LY

VS.

CIVIL ACTION NUMBER:

GENTIVA HEALTH CARE; KINDRED HEALTHCARE;

GIRLING COMMUNITY CARE TEXAS;

KAREN CLARY, KOURTNEY KALLIE; QUINTERIA SWEED;

LINDA MCDONALD; RACHEL WEBB; ELINDA TAYLOR;

ASHLEY BURNS; TIFFANI TAYLOR; FELICIA DEAVER;

CRYSTAL GRANT; MEGAN KRUEGER; VANETIA SCHILLER;

NATHAN WHITE, TIFFANY WOODARD, MARKESHA LAMAR

ADULT PROTECTIVE SERVICES DEPARTMENT; UNITED HEALTH

CARE; WADE CHILES - KINDRED HEALTHCARE RECORDS

MANGER ETC.,

DEFENDANT(S)

COMPLAINT

PLAINTIFF(S) EDWARD D. SMITH

1003 GAY HILL ST. APT. A

BRENHAM, TEXAS 77833

DEFENDANT(S)

GENTIVA HEALTHCARE

3350 RIVERWOOD PARKWAY SUITE 1400

ATLANTA, GA 30339-3314

KINDRED HEALTHCARE

680 SOUTH FOURTH STREET

LOUISVILLE, KY 40202

700 W 45TH ST,

AUSTIN, TEXAS 78751

GIRLING COMMUNITY CARE

305 N. PARK STREET

BRENHAM, TEXAS 77833

KAREN CLARY

305 N. PARK STREET

<u>KOURTNEY KALLIE</u>	<u>BRENHAM, TEXAS 77833</u>
	<u>305 N. PARK STREET</u>
	<u>BRENHAM, TEXAS 77833</u>
<u>QUINTERIA SWEED</u>	<u>305 N. PARK STREET</u>
	<u>BRENHAM, TEXAS 77833</u>
<u>FELICIA DEAVER</u>	<u>305 N. PARK STREET</u>
	<u>BRENHAM, TEXAS 77833</u>
<u>LINDA MCDONALD</u>	<u>305 N. PARK STREET</u>
	<u>BRENHAM, TEXAS 77833</u>
<u>RACHEL WEBB</u>	<u>305 N. PARK STREET</u>
	<u>BRENHAM, TEXAS 77833</u>
<u>ELINDA TAYLOR</u>	<u>305 N. PARK STREET</u>
	<u>BRENHAM, TEXAS 77833</u>
<u>ASHLEY BURNS</u>	<u>305 N. PARK STREET</u>
	<u>BRENHAM, TEXAS 77833</u>
<u>TIFFANI TAYLOR</u>	<u>305 N. PARK STREET</u>
	<u>BRENHAM, TEXAS 77833</u>
<u>CRYSTAL GRANT</u>	<u>305 N. PARK STREET</u>
	<u>BRENHAM, TEXAS 77833</u>
<u>MEGAN KRUEGER</u>	<u>305 N. PARK STREET</u>
	<u>BRENHAM, TEXAS 77833</u>

VENETIA SCHILLER

1414 SOUTHWEST FREEWAY SUITE 800

SUGAR LAND, TEXAS 77478

NATHAN WHITE

3307 NORTHLAND, #500

AUSTIN, TEXAS 78731

MARKESHA LAMAR

3000 EAST VILLA MARIA RD,

BRYAN, TEXAS 77803

TIFFANY WOODARD

3000 EAST VILLA MARIA RD,

BRYAN, TEXAS 77803

UNITED HEALTH CARE

9700 HEALTH CARE LANE

WADE CHILES

700 W 45TH ST,

AUSTIN, TEXAS, 78751

This complaint is against Gentiva Health Care; Kindred Health Care; Giriling Community Care; Karen Clary; Kourtney Kallie; Quinteria Sweed; Linda McDonald; Rachel Webb; Elinda Taylor; Ashley Burns; Tiffani Taylor; Felicia Deaver; Crystal Grant; Megan Krueger; Vanetia Schiller; Nathan White; Tiffany Woodard; Markesha Lamar; Adult Protective Services, for the violation of Criminal Law;s and Civil Law's. Now comes Edward D. Smith Plaintiif is suing the Defendants above upon Governmental Entity Color Law. The Defendants listed in this complaint, as violated of my Civil Rights of the United States Constitution of the 1ST, 2ND, 4TH, 5TH, 8TH,

**13TH, AND 14TH AMENDMENTS and DISCRIMINATION and for
 DEFAMATION, SLANDER and LIBEL and Criminal and Civil Perjury Action.
 For the violation of The Health Insurance Portability and Accountability
 Act of 1996 (HIPAA) and the violation of AMERICAN WITH DISABILITIES
 ACT (ADA) of 1973 and 1990 and 1992 and 1998 and 2008 - ADA Title II:
 State and Local Government Activities - Section 504 of the Rehabilitation
 Act; Section 504, 29 U.S.C 794; Title 42 USC 12132; Title 24 CFR 8.4; 28 CFR
 36.207 (a), (b); Discrimination prohibited (a),(b) (i)(ii)(iii)(iv)(v)(vi)(viii
 3,4,5) and RETALIATION; 28 CFR 36.206 - Retaliation or coercion. Title 18,
 U.S.C., SECTION 241 Conspiracy Against Rights And Title 18, U.S.C.,
 SECTION 242 Deprivation of Rights Under Color of Law. Title 42 U.S.C.,
 Section 3631 (a),(b) (1) and (2) (c); 42 U.S. Code 3604 (2) (a), (b) and (c). I
 have including a document of a meeting that my name is on but I,
 Edward D. Smith did not attend. The dates of this document is 01-22-
 2018 and 01-23-2018 which it appears that 01-22-2018 is the date of this
 meeting. The names on this document includes Defendant (s) Karen Clary -
 Director of Girling Health Care; Kourtney Kallie - Manager of Girling
 Health Care and Vanetia Schiller - Services Coordinator of United Health
 Care. They violated my right's making it appear as if I was there. I, Edward
 D. Smith was imposed of Cruel and Unusual Punishment of the falling
 conclusion of this meeting on 01-22-2018. They imposed that no females
 come inside my home and do Daily Task - Home Health Care Services like,
 "Bathing, Dressing, Eating/Feeding, Grooming, Toileting, Transfer,
 Cleaning, Laundry, Meal Preparation, Escort and Shopping etc., The
 Defendant (s) impose upon me men only, knowing I do not want man
 services and knowing I was going to refuse any services from men
 providing Home Health Care Services. The Defendant (s) above used
 reverse psychology in there tactic to conspire to do deprived me Plaintiff
 Edward De. Shan Smith, of Home Health Care Services that includes Daily
 Task. The Defendant (s) deprive me of the Freedom of Choice whom
 Provides Services to me or Freedom of Choice whom enter in my home.
 Second of all I, Edward D. Smith is a Baptized Christian and I truly don't**

believe in Homosexuality. Therefore I don't want men nor did I choose a man to Provides Home Health Services that includes Daily Task. It is being force upon me against my will by Defendant (s) above status in this Civil Rights Complaints. In this document it states several fabricate lies (PERJURY) impose to try too justified there unlawful acts. At this point am about 6 month out of the Retama Manor Jourdanton - Nursing Home Facility. And I don't have much clothes to wear around my apartment and in this first paragraph of this Document of the Defendant (s) it indicate that I, Edward D. Smith have a hole in the center on my shorts. That's a lie (PERJURY) I only have three pairs of shorts and none of them one have a hole in them. "I am going to include pictures of my shorts to the Courts as evidence. Futhermore I do have old clothes some may have holes in them but I assure you no shorts. However if any clothes that I have holes in the center whomever would only see BRIEF/DIAPER under neath my clothes. "Video evidence surveillance if any would have clear." This Documentation on the bottem indicate I had a total of 22 Personal Care Attendant - PCA/Providers since 10-16-2017 thru 01-23-2018., which at less 16 or more that I, Edward D. Smith fired those PCA/Providers. The rest either Defendant (s) Karen Clary and Kourtney Kallie did not let them come back to work with me or for me or I did not allow some PCA/Providers preform certain task like bathing and grooming etc., and the just stop coming to work. The Defendant (s) implementation of there recommendation of this Documentation impose deliberate indifference to my serious medical needs. Futhermore I requested for all my medical records which this document is possible rough draft or partial from the original report/documentation of the personal care attendants. The original false claim/report/documentation by the Defendant(s) would include dates and time of the false claims/report/documentation upon me. The Defendant (s) knowing the facts that I do not have a personal care attendants/providers/caregivers with the attempt to do deprive me access to my medical records they choose to mail my medical records to where I got to sign for it at the Brenham, Texas Post Office knowing I am

wheelchair bound and unable to go to the Brenham, Texas Post Office. I don't have a clear sidewalk path to go get or even check my mail regularly. My P.O. Box is located at my apartment that is about 3/4 of a mile away with the incomplete sidewalk that don't connect to each other somewhat barriers alone the way. Therefore without the services of the Defenant (s) my caregiver; associate; relative or a friend would have to go get my mail for me either they walk or drive. I don't have someone here at my apartment daily nor coming regularly since the Defendant (s) deprive and deny me Home Health Care Services. Defendant (s) never attened for me to rececive my medical records they made it comlicated for me to sign the form that allow me access to all medical records which I only got partial of my medical records that pertain to me. Defendant (s) has deny me Home Health Care Services for (2) two months now. The inside of my Apartment Unit needs cleaning, I need to be bath, I am wearing the same clothes almost daily unless I pay a friend like I have before to sponge bath me and change my clothes and do some loundry, or I pay a friend or associate to go grocery shop etc., I am going to provide some photos as evidence of this unsanitary condition imposed upon me. There are trash days Tuesday's and Friday's here at Brenham Housing Authority the Apartment Unit, where I live at in Brenham, Texas. I can't get the trash out. When nobody is here on those trash days the trash sit for days in some cases a week or more. I have gotten family members, associate, friend/caregiver has taken trash on those day's or place the trash that's in a trash bags into my storge room outside of my apartment unit on the day's trash already ran. Trash has pile up and siting in my home for days since Defendant's deny Home Health Care Services. But even when the Defendant (s) sent workers on those trash days alot days they deliberately either don't show up to work on those days or they come when the trash already ran. I believe Defendant (s) was or is covering up the sexual assault and rape upon me while I be sleep. Those wipes, brief/diapers etc., contain DNA. Let me be clear I have several complaints at the State level against the Nursing Home Facilities which I

lived at for two years and two different Nursing Home Facility. I feel when I move to my apartment whatever was going at the Nursing Home Facility the Defendants took there page out of the Nursing Home Facilities play book and took over and continue the rape and sexual assault me while be sleep. Therefore I believe whomever work for me, that individual worker secretly get the okay to rape me while I be sleep in my apartment and in my bed and it is secretly done. I want to state for the record I have cought two or more of the rapist in the midst of raping me, as I was waking up out of my sleep. They have used different medication to maintain me sleep and prepare for sex while I be sleeping. And the Defendant (s) and others took over the Nursing Home Facility technique or tactic's. So this explain the reason that I do not want no man Providing Home Health Care Services in my apartment unit, knowing what I know. Defendant (s) want me to be rape and sexual assaulted by men, if a man not already guilty of that. Let me repeat I am not a Homosexual and I do not engaged in homosexual sex. As a man and if any sex is involed I am a heterosexual man any sex in my life would be with a female/woman consensually. This is a Criminal matter and it is also a violation of my Civil Rights and the clause of the United States Constitution of the 13th Amendment.

I started with Defendant (s) Kindred Healthcare, Gentivia Healthcare and Girling Community Care on 10-16-2017 for my Home Health Care Services with daily task of bathing; grooming; dressing; eating/feeding; toileting; transfer; cleaning; loundry; escort; meal preparation and shopping etc., However I came out the Nursing Home Facility and the Defendant (s) at first wanted to do partial of the daily task. Therefore the orders was to only loundry, cleaning, shopping and meal preparation. Therefore the Defendant (s) from the beginning deny the bathing; dressing; toileting and transfer rather it was check off or not the orientation/daily task pink sheet that I get a copy of. However Defendant (s) hired Defendant Quinteria Sweed on 10-16-2017 and another female but not one was physically train durning orientation. That other female

that was hired never did come to work, she should that one day 10-16-2017. Defendant Quinteria Sweed came to work but refused to escort, dressing, transfer, bathing, toileting. When I ask for her to do any of these things the Defendant Quinteria Sweed made a scence, most of the time she call or made reports to Defendant Kourtney Kallie. When I ask Defendant Quinteria Sweed to do a sponge bath she stated that she was not supposed that some other worker supposed to that. When I had doctor appointment with Dr..... she was not going to escort me to my Doctor appointment. And when I ask her to do toileting after weeks of her saying no, she did it one time and I had to explain almost everything and she refuse to what is the proper procedure and professional way of a Brief/Diaper Change. However she reported to Defendant Kourtney Kallie as if I was trying to make sexual. Therefore let me "Explain" what is the proper procedure and professional way of a bath/shower, sponge bath, and a brief/diaper change. Besides wiping down body parts like limbs and chest and chest area durning a bath/shower and a sponge bath, it is the Peri Care/Perineal Care for males and some male are circumcised and some male like myself is uncircumcised. Peri Care is to clean and prevent urinating tracking infection in the private parts in males. The same or more serious matter with a Brief/Diaper Change dealing with urine and feces a peri care/perineal care is mandatory durning a Brief/Diaper chang. But rather the brief/diaper change and/or bath/shower with or without waste like urine and feces in the cleaning process peri care/perineal is proper procedure in Home Health Care and Nursing Home Facilities. Therefore when I, Edward D. Smith have to try to train or teach the Defendant (s) workers/Defendant (s) something that the supervisor's should already train or teah there employees how to properly clean me or anybody else. This brings up unsanitary conditions which I am currently living in inside of my apartment unit and all the many days the Defendant (s) inadequate medical care since the time I in roll (10-16-2018) with the Defendant (s) Kindred Healthcare; Gentiva Healthcare; Girling Community Care; Karen

Clary Director; Kourtney Kallie Coordinator; Nathan White Corporate et al., The Defendant (s) rather make up lies, exaggerated untrue stories about me to make me look bad and in order to take unlawful action and completely deny medical care and treatments. And to my understanding there are plenty of Home Health Care Agency that the Defendant (s) has conspire to spreading there fale stories and lies etc., unto these other Home Health Care Agencies so they can implement the same policy and procedures of the Defendant (s) to deny Home Health Care.

I want state that is not all Defendant (s) workers they sent to my home was plain women some was cross dressing, I believe we/I have/had a identity problems with the Defendant (s) and there workers they sent to work for me inside of my apartment. They imposed more danager to me on every aspeact, that I do to them. I am the one with the use of one hand, arm and shoulder, that I can't even write, nor can not I walk, i'm wheelchair bound. The Defendant (s) and the worker's they sent to my apartment they are the one could have guns in their purse, knowing they suppose to leave purses and bags etc., in there vehicle. Defendant Linda McDonald, I sent this individual to pick up some chicken from Church's Chicken it was as if someone wipe medication all over the chicken and it even tasted like medication, I fired that worker, Defendant Linda McDonald once that individual clock out by phone for that day that individual - Defendant Linda McDonald was fired. Defendant (s) Rachel Webb and Elinda Taylor each one worked for one to two day's. It was claim that this individual's was writing bad reports upon me regarding behavior which is untrue however Defendant Elinda Taylor had two people come to my apartment in a threatening manner. With the intent from my point of view they was trying to intimidate me in my own apartment unit. Defendant Racel Webb after working and while on break we was talking and Defendant shared information and I spoke about my doctor letters they I showed that I, Edward D. Smith was looking for a Live-In Caregiver/Live-In Aide. The same type of conversation I had with

Defendant Elinda Taylor. However the Defendant Karen Clary, came into my apartment that following weekend maybe that Monday or Tuesday yelling and screaming as if Defendant Karen Clary wanted to fight me in my on apartment unit, I feel this Defendant Karen Clary would have if my Uncle David would not driven up from coming from the store me. Defendant Karen Clary was very aggressive towards. And it was as if the Defendant Karen Clary had video, audio implanted inside my apartment and Defendant Karen Clary was repeating converstions that I had with Defendant Rachel Webb and Defendant Elinda Taylor but the only different's is Defendant Karen Clary was mixing up lies with the truth I guess to make the scene look horrible and make look bad and to me look as if I did something wrong. Defendant Karen Clary fired Defendant (s) Rachel Webb and Elinda Taylor. Defendant Karen Clary did not fire them from there Home Health Agency but she prevented/stop them from working for me or with me. I believe because Defendant Karen Clary is a homosexual/bisexual and having authority as a supervisor/director that is the root of these's problem. Defendant Karen Clary that day did not speak to me as if a woman to a man it was more in the nature of man to man with she being a woman, Defendant Karen Clary was very disrepectful to me in my own apartment unit. And Defendant Karen Clary being gay I strongly believe her homosexaulity is influencing Defendant Karen Clary decisions and this individual aggressive behavior towards me. I believe Defendant Karen Clary have strong feelings for her workers that is her employees some more than others. Let me be clear some of Defendant (s) workers has indicated that Defendant Karen Clary is gay. With this identity problem I would advise to check all identity of Defendant (s) and there workers they sent to work for me and who is all involve in this complaint. Defendant Karen Clary, discriminate on home health care daily task and services including alter documents. I am submitting as evidence a (CD) that pertain pictures, video, and audio recorded conversation. Defenant Karen Clary adding and subtracting home health care daily task like toileting etc., and Defendant Karen Clary

told me and she gave her employees to only assist order and stated the rule. However this was not a rule, this unlawful act is discriminate because of the type services you receive in a Nursing Home Facilities and Home Health Care - Daily Task are the same. It just the patient is in a home setting. It is plain to see and hear that Defendant Karen Clary is prejudice towards me. Defendant Ashley Burns and Defendant Felicia Deaver. Defendant Ashley Burns was another aggressive and very sarcastic, that was told to me that Defendant Ashley Burns was making claims while she was working that I came at her in sexual manner when all alone Defendant Ashley Burns was the one, sitting in my lap while I was sitting in my power wheelchair. And was hugging and trying to kiss me and this Defendant Ashley Burns was doing it in the way she wanted me to respond, so Defendant Ashley Burns can respond back but negatively which I did not response. I felt as she was trying to set me up, I and fired Defendant Ashley Burns. Defendant Felicia Deaver, is cousin to Defendant Kourtney Kallie the same with Defendant Crystal Grant all three are cousin. Defendant Felicia Deaver was the last to get fired and believe this Defendant was the one of the onces that took parts of this false statement on this Documentation which I speak about at the beginning of this Complaint. However this Defendant Felicia Deaver is/has retaliated upon me she was fired. This Defendant made her on schedule instead of coming to work when Defendant Girling Community Care had her schedule set, Defendant Felicia Deaver miss a lot of days left me unclean and apartment unclean and some days very little food to eat, because Defendant Felicia Deaver goes to every party, club and every trail ride and trail ride get together leaving me stuck out. Defendant Felicia Deaver I subject to see this indiviual come to work one or two days out of the week any reason to not come to work Defendant Felicia Deaver used including every holiday. And this same Defendant Felicia Deaver let it be know that she and everybody else is raping and sexual assaulting me while I be sleep in my bed especially when I first moved into this apartment unit. Defendant (s) claim they prefer me being sleep because I

am good like that and that they don't want me to know who is having sex with me. And also Defendant Kourtney Kallie have also spoken on the matter that they are raping me while I be sleep and stated that they will take it easy on me, being sarcastic with me that day. Defendant Crystal Grant quit because I refused to allow her to sponge bath me because she was suppose to be pregnant and sponge bath require transferring me from my power wheelchair and into my bed, and her cousin Defendant Felicia Deaver, told me not let her sponge bath me. And for the record I takes sponge bath because Defendant (s) has not provided a adequate shower chair or shower sit. I specifcally have showed Defendant (s) what was adequate to me to fit inside of a tub in order to take shower and nothing has done and I have not had shower yet. Defendant Tiffani Taylor was another worker that miss alot of day's and make her own schedule up. And was not able to fully implement all task, another worker was not train/taught there responsibility of being a personal care attendant and it was not a realistic orientation with this Defendant Tiffani Taylor and this worker was fired. Let me state the facts in this complaint all Defendant (s) are guilty in there part of unlawful searches and seizures by in the way of camera, video, audio etc., I, Edward De. Shan Smith have not gave Defendant (s) or anyone else consent, nor was I giving or shown a warrant to take pictures, video and audio record me inside of my apartment unit. And the individual that I did give consent to they know who there are and that was by cell phone on that speacfic day. However I did not give Defendant (s) or anyone else the right to come in my apartment unit using either by cell phone, wearing a wire or any other ways of recording/surveillance while siting in there business, home or office looking at me from a distance from some unknow location. And using that information against me in a Court of Law or in my Health care and any other ways it's unlawful. And illegally seizures of documentation rather it's mail, text messages, email's or legal documents that is my possession or in my apartment unit and any other seizures is unlawful. Defendamt (s) and there workers have used the cell phones etc., to

secretly record/surveillance me while trying to unlawful entrapment in my own apartment unit. Instead of coming to apartment unit and work and be completely focus on the daily task of bathing, dressing eating/feeding, grooming, toileting, transfer, cleaning, laundry, meal preparation, escort, shopping etc., There are sent to my apartment unit to try to criminate me. When they supposed to be doing their home health care daily task. And the Defendant (s) involvement in there cyber attacks and hacks. Denying the full capability and access online of me, seeking out females that can help me or evening date me, that could help me inside of my apartment by implement the daily task of bathing, dressing, eating/feeding, grooming, toileting, transfer, cleaning laundry, meal preparation etc., a live-in care/live-in aide. Defendant (s) negative interference on my online search of a compatible female is causing physical and mental harm. I want to indicate the difference the word Carry - (During a transfer) in the Home Health Care Policy and Procedures. The Health Care Policy and Procedures states no carry, however the definition of carry indicate a full lift example like carrying a baby, when the baby is lifted completely off the floor/ground or table, when the table is lifted completely of the floor/ground and taking to another location (carried). And during a transfer a personal care attendants, providers, aides and caregivers do not completely carry a patient, to where is lifted completely off the floor/ground and taking to another location, like a couch to a bed, "they have not violated home health care policy and procedures. However Defendant (s) was not trying provide certain services that require a transfer and my hoier lift was not in the mix it was over looked. Therefore Defendant (s) did not want to do dressing, toileting and showers/sponge bath that all require a transfer to implemented to those home health care daily task. I had to argue and plead my case in order to get the Defendant (s) and Defendant (s) workers to do a transfer so I could get a sponge bath, toileting - brief/diaper changes and dressing - getting change of clothes. Defendant (s) was trying to find was to not do the assign home health care daily tasks

with me.

Defendant (s) Adult Protective Services Department, Tiffany Woodard and Makesha Lamar, not once sent a caregiver/personal care attendant to provide any home health care services task's that's listed above. Defendant Tiffany Woodard out of the clear blue sky shows up at my door, day one I was release from the Nursing Home Facility and at my apartment on 09-28-2017. On that day or any other day she did not even get me a caregiver/personal care attendant and she was not and did not run an errand regarding my Apartment P.O. Box Key located at Brenham Post Office where they provide the key, which I got caught by surprise because I live in a Housing Authority and always thought managment supposed to have the P.O. Box keys that's located on the premise of the Brenham Housing Authority. But I, Edward De. Shan Smith was required to go to Brenham Post Office to get the keys for my P.O. Box here on the premise. However Defendant Tiffany Woodard refuse to do anything for me and she was trying to pressure me to go back to the Nursing Home Facility I refuse and then she stated what if everything goes bad for me living in my on in my apartment, and I stated that I still refuse to go to the Nursing Home Facility. But she took sides against me and conspired against me. And Defendant (s) Tiffany Woodard and Makesha Lamar on the end of January around 26 - 31, "said that I was not getting home health services from females," and they know that I would not accept a male caregiver/personal care attendant's. With the Defendant(s) conspiring together they said the same thing that the rest of the Defendant (s) Karen Clary, Kourtney Kallie, Vanetia Schiller, Wade Chiles and Nathan White et al., enforce. And that enforcement upon me was male caregiver/personal care attendant's which I refused males. I, Edward De. Shan Smith Plaintiff requested my records (cases and investigations) from the Adult Protective Services Department, the form was filled out and they have either deny or delayed me access to all cases related to my course of action from 09-28-2017 - 04- 02-2018/present

time. And I, Edward De. Shan Smith sending attachment as evidence what was giving to me regarding Texas Department of Family and Protective Services which it states that it will take six (6) months to get cases regarding me, which they are violating my Civil Rights with the denying access to my records. I want to stay for the records that I do not impose any danger to any caregiver/personal care attendant's or any females, however I have cited the United States Constitution of the 2nd Amendment because of I have the right to defend myself from anyone and any place, "especially in my apartment unit where I live at. Therefore it is nothing legally preventing me to be able to have a weapon in my apartment unit rather it is hand gun, rifle or shotgun. And furthermore it should not be unlawful for me to be able to purchase either. I want the Court to realize that caregivers/personal care attendant's has used scare tactics and many days they carry there bags, back packs and purses that could have had a gun or any other weapons inside of them and into my apartment without my consent. Therefore they impose more of a threat to me especially when I am disabled and they are not.

UNDER COLOR LAW IN HIS OR HER OFFICIAL CAPACITY AND HIS OR HER INDIVIDUAL CAPACITY. THIS ACTION IS HOWEVER IS AGAINST GOVERNMENTAL ENTITY, THERE ARE THE MOVING FORCE BEHIND THIS DEPRIVATION.

I'M SEEKING RELIEF FOR DAMAGES \$40,000,000 FROM DEFENDANT (S); INJUNCTIVE RELIEF; DECLARATORY RELIEF; COMPENSATORY DAMAGES; PUNITIVE DAMAGES; IRREPARABLE DAMAGES; DISCRETIONARY DAMAGES; AND NOMINAL DAMAGES ETC.,

I'M REQUIRING TO ENACT THE CIVIL RIGHTS ATTORNEY'S FEE AWARDS

ACT OF 1976, UNDER 42 U.S.C. 1988," I'M ALTER THE COURT'S THE BASIC THEORY OR LAW OF, 42 U.S.C. 1988," THAT FEES AND MERITS LIABILITY RUN TOGETHER. I'M LOOKING AND SEEKING FOR RELIEF IN BOTH ON THE MERITS AND FOR FEES.

I'M NOTICE AND HEREBY I'M ALTER THE COURT'S THAT I'M A PRO SE AND PROCCEEDING IN FORMA PAUPERIS IN SUBMITTING THIS COMPLAINT .

DECLARATION

I DO DECLARE UNDER PENALTY AND PERJURY ALL FACTS THERETO ARE TRUE AND CORRECT.

SIGN 2 DAY OF APRIL 2018

EDWARD DE. SHAN SMITH

X ES

MR. EDWARD DE. SHAN SMITH

1003 GAY HILL ST. APT. A

BRENNHAM, TEXAS 77833

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